

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**United States of America,**

**Plaintiff,**

**-v-**

**Case No. 2:10-cr-338**

**Hobner Perez-Rodriguez,**

**Judge Michael H. Watson**

**Defendant.**

**ORDER**

Before the Court is the Report and Recommendation (ECF No. 15) from the Magistrate Judge that Defendant's plea of guilt be accepted. Defendant, by consent (Consent, ECF No. 14), appeared before the Magistrate Judge and, pursuant to Fed. R. Crim. P. 11, entered a conditional plea of guilty to Count one (1) of the Indictment charging him re-entering the United States after being deported and without permission, in violation of 8 U.S.C. § 1326(a). Subsequently, the Magistrate Judge filed a Report and Recommendation finding that

[a]fter examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I determine that the defendant is competent and capable of entering an informed plea, that the guilty plea is knowingly and voluntary made and that the offenses charged are supported by an independent basis in fact containing each of the essential elements of such offense.

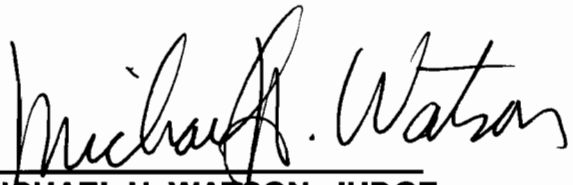
Report and Recommendation 1, ECF No. 15. The Magistrate Judge recommended that "the plea agreement and the plea of guilty should be accepted and the Defendant should be adjudged guilty and sentenced accordingly." *Id.*

The Court has also carefully reviewed and considered the Report and Recommendation (ECF No. 15) from the Magistrate Judge that Defendant's plea of guilt be accepted. The Court notes no party filed any objection to the Magistrate Judge's Report and Recommendation. Furthermore, the presentence investigation report has been prepared and the Court has reviewed it in its entirety.

Having reviewed the aforementioned documents and finding the Report and Recommendation to be sound, the Court finds that Defendant knowingly and voluntarily tendered a plea of guilty to the charge and the Court hereby **ACCEPTS** the plea and **ADOPTS** the Magistrate Judge's Report and Recommendation in its entirety.

The Court sets this matter for sentencing on **Thursday, February 3, 2011, at 10:30 a.m. in Courtroom 3.**

**IT IS SO ORDERED.**

  
**MICHAEL H. WATSON, JUDGE**  
**UNITED STATES DISTRICT COURT**